

## **London School of Theology (LST)**

### **Student Academic Appeal Policy and Procedure Undergraduate and Postgraduate Taught and Research Programmes**

<b>Group Responsible for policy and process review:</b>	Academic Board
<b>Executive Team member responsible:</b>	Academic Secretary / Director of Academic Support
<b>Date last approved:</b>	July 2013
<b>Date of this approval:</b>	May 2024
<b>Ongoing review:</b>	Every 36 months
<b>Review consultation:</b>	Executive Team and Academic Board
<b>Date of next review:</b>	May 2027

#### **Policy framework**

1. This policy and procedure is informed by the UK Quality Code for Higher Education, Advice and Guidance, Concerns, Complaints and Appeals.<sup>1</sup>
2. This policy and procedure is informed by Middlesex University Regulations:
  - a. University regulations for all taught programmes 2021/2022, academic appeal (section G).<sup>2</sup>
  - b. Student Complaints and Grievance Procedures 2021-2022 (Appendix A – ‘Handling of complaints for courses delivered by a Collaborative Partner’).<sup>3</sup>
  - c. Regulations for Research Degree Programmes 2021/2022.<sup>4</sup>

#### **Definitions**

3. An 'appeal' is a request for a review of a formal decision by the student relating to formal academic matters including progression, assessment, award, accreditation of prior learning, credit transfer or academic misconduct.
  - a. A 'Board' is any formal academic decision-making group, board, panel or committee within LST including a Module Board, Assessment Board or Accreditation of Prior Learning and Credit Transfer Panel.
  - b. A 'student' describes those accepted to study at LST, who are registered for a validated award, and those who have recently left LST.
  - c. The 'appellant' is the student who is appealing against the decision made by the board.

#### **General principles**

4. LST will seek to be fair, just, effective and timely in the handling of students' academic appeals and this is expressed in this policy and procedure.
5. In recognition of the seriousness with which we regard academic appeals, this policy and procedure is reviewed by the Executive Team and Academic Board.
6. This policy ensures that those studying at all levels within LST have the opportunity to raise matters of concern with regard to formal decisions without risk of disadvantage.
7. Students will be supported in this policy and procedure by their tutors, the Assistant Registrar, Academic Administrator, the Academic Secretary / Director of Academic Support (ASDAS) or the Chaplain.

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<sup>1</sup> [https://www.qaa.ac.uk/docs/qaa/quality-code/qc-a-g-concerns-complaint-appeals.pdf?sfvrsn=7929c181\\_4](https://www.qaa.ac.uk/docs/qaa/quality-code/qc-a-g-concerns-complaint-appeals.pdf?sfvrsn=7929c181_4), [accessed 01.04.2022].

<sup>2</sup> [https://www.mdx.ac.uk/\\_data/assets/pdf\\_file/0031/623758/Regulations-2021-22-V1.12.pdf](https://www.mdx.ac.uk/_data/assets/pdf_file/0031/623758/Regulations-2021-22-V1.12.pdf), [accessed 01.04.2022].

<sup>3</sup> [https://www.mdx.ac.uk/\\_data/assets/pdf\\_file/0016/623410/Student-Complaints-and-Grievance-Procedure.pdf](https://www.mdx.ac.uk/_data/assets/pdf_file/0016/623410/Student-Complaints-and-Grievance-Procedure.pdf), [accessed 22.08.2022].

<sup>4</sup> [https://www.mdx.ac.uk/\\_data/assets/pdf\\_file/0024/626415/Regulations-for-Research-Degree-Programmes-2021-22.pdf](https://www.mdx.ac.uk/_data/assets/pdf_file/0024/626415/Regulations-for-Research-Degree-Programmes-2021-22.pdf), [accessed 01.04.2022].

8. This policy and procedure makes provision for those making an appeal to be accompanied at any stage, including formal hearings. However, those making an appeal may not be accompanied by a legal representative or those legally qualified.
9. A formal appeal may only be made against a published assessment result which has been confirmed by the Board.
10. Students who have a complaint or grievance concerning the provision of a programme of study or academic service which they believe has affected the quality of their academic performance should, before submitting an appeal, follow either the Student Academic Complaint Policy and Procedure or the Student Non-Academic Complaint Policy and Procedure.

#### **Reasons for making an appeal**

11. A student academic appeal may only be made on any of the following grounds:
  - a. Assessment:
    - i. That a student's performance in an assessment suffered through illness or other extenuating circumstances which the student was for valid reasons unable or unwilling to inform the Board through LST's extenuating circumstances procedures before it reached its decision.
    - ii. That there has been an administrative error in the management of the assessment.
    - iii. That the assessment was not run in accordance with the programme of study regulations.
    - iv. That the Board has failed to consider material circumstances, relating to the delivery of a module, which may have adversely affected a student's performance in assessment. This ground will only be deemed acceptable if the circumstances have been the subject of a Student Academic Complaint Policy and Procedure, and the case of the complaint has been upheld, and steps have not been taken to mitigate the effects of the circumstances.
    - v. That some other irregularity has occurred in the implementation of the policy, procedures and process associated with the decisions of a Board.
  - b. Award:
    - i. That a student's performance suffered through illness or other factors which the student was for valid reasons unable or unwilling to inform the Board through LST's extenuating circumstances procedures before it reached its decision.
    - ii. That there has been an administrative or factual error in the information leading to the classification of the award.
    - iii. That the award was not classified in accordance with the programme of study regulations.
    - iv. That the Board has failed to consider material circumstances, relating to the delivery of teaching and learning within the programme of study, which may have adversely affected a student's performance in assessment. This ground will only be deemed acceptable if the circumstances have been the subject of a Student Academic Complaint Policy and Procedure, and the case of the complaint has been upheld, and steps have not been taken to mitigate the effects of the circumstances.
    - v. That some other irregularity has occurred in the implementation of the policy, procedures and process associated with the decisions of the Board.
  - c. Accreditation of Prior Learning and Credit Transfer:
    - i. That the decision was not made in accordance with LST's Accreditation of Prior Learning and Credit Transfer Policy.
    - ii. That there has been an administrative or factual error in the information leading to the decision of the Board, which may have adversely affected the student.
    - iii. That some other irregularity has occurred in the implementation of the policy, procedures and process associated with the decisions of the Board.

- d. Academic Misconduct:
  - i. That there is new and relevant evidence which the student was demonstrably and for the most exceptional reasons unable to present to the ASDAS or Academic Misconduct Panel. This may include evidence in mitigation.
  - ii. That the Academic Integrity and Misconduct Policy and Procedure was not complied with in such a way that it might cause reasonable doubt as to whether the result would have been different had it been complied with.
  - iii. That there is documented and proven evidence of prejudice or bias on the part of the Academic Misconduct Investigation Panel.
  - iv. That some other irregularity has occurred in the implementation of the policy, procedures and process associated with the decisions of a Board.

### **Reasons why an appeal may be rejected**

12. A student academic appeal may be rejected by the ASDAS for any of the following reasons, or if it is judged to be vexatious or frivolous, without further recourse to the appeals procedures:
  - a. The appeal is a disagreement with the academic judgment of a Board in assessing the merits of academic work, or in reaching a decision on progression, or on the final classification of a qualification, or in the granting of accreditation of prior learning / credit transfer, or academic misconduct, which has been reached in accordance with the appropriate policy, procedures and regulations.
  - b. The student did not understand or was not aware of the published policy, procedures process and regulations, for a module, subject or programme.
  - c. The appeal is on grounds that poor teaching, supervision or guidance affected academic performance. In such circumstances a student should submit a complaint in accordance with the Student Academic Complaint Policy and Procedure.
  - d. That no contemporaneous, independent, medical or other third-party appropriate evidence has been submitted to support an application for extenuating circumstances explicitly indicating that academic performance was adversely affected by factors such as ill health.
  - e. The student was not aware of the procedures for presenting extenuating circumstances to the Board. These extenuating circumstances include health or other problems, or difficulties with the running of the programme or way in which the assessment was conducted.
  - f. No valid reason, i.e., circumstances beyond a student's control, has been submitted as explanation for not submitting extenuating circumstances to the attention of the Assessment Board before it met.
  - g. The appeal concerns a long-standing health problem, which the student was aware of at enrolment.
  - h. The student was subject to a disturbance or illness during an examination and there is no valid reason for it not to have been formally brought to the attention of the Board before it met.
  - i. The student has not accessed their official LST email account, through which information relating to assessments is communicated.
  - j. The ASDAS receives the appeal beyond the time limit specified without good cause. It is the student's responsibility to ensure that the appeal is submitted to the ASDAS on time.
  - k. That the appeal is predicated on a lack of agreement with or consent to LST's procedures, policies, processes, rules or regulations in academic matters such as assessment, awards, academic misconduct, or accreditation of prior learning and credit transfer.
  - l. Should an appeal arise following due process of the Academic Integrity and Misconduct Policy and Procedure, it may be rejected by the ASDAS if it does not conform to the grounds stated above.

### **Appeal process**

13. The LST Student Academic Appeals policy has both an 'informal' and 'formal' stage.
14. An appellant is required to complete the 'informal' stage prior to the submission of a 'formal' appeal.

### **Time limits and appeals**

15. Except where 17 and 18 below applies, there is a time limit of 28 calendar days from the date of which the student is formally notified of the Board results for submission of a formal appeal to the ASDAS.
16. Except where 17 and 18 below applies, during this time the student must make every effort to discuss the problem with the Assistant Registrar; this may result in the matter being resolved informally and quickly.

17. If an appeal arises following due process of the Student Academic Complaint Policy and Procedure, the time limit is 10 working days from the date the student receives the written result of this procedure.
18. If an appeal arises following due process of the Student Academic Integrity and Misconduct Procedure, the time limit is 10 working days from the date the student receives the written result of this procedure.

#### **Informal appeals**

19. The Assistant Registrar, in consultation with the ASDAS and chair of the appropriate Board, will consider the informal appeal and may advise the student:
  - a. That the Board will reconsider its decision taking account of this new information.
  - b. That the Board's decision was based on a fair and accurate evaluation of the evidence and information presented to it and it will therefore not be reconsidered.
  - c. In any other way deemed appropriate, including that the student should make a formal appeal.

If the appropriate Board is not due to meet for some time, in the interests of early resolution, it is possible for the Assistant Registrar, in consultation with the ASDAS and the Programme Leader, to investigate the appeal ahead of the formal decision by the Board.

#### **Informal appeals process**

20. The student must complete and submit an [Informal Academic Appeals](#) (Cognito Form), providing all the relevant information and evidence, and is encouraged to contact the Assistant Registrar to discuss the content, context and nature of their appeal.
21. On receipt of the appeal, the Assistant Registrar will acknowledge receipt, normally within 5 working days. The Assistant Registrar will liaise with the marker, ASDAS and Programme leader as necessary. A written response will be provided within 25 working days detailing the outcome of the appeal and reasons given.

#### **Formal appeals**

22. Students should only make a formal appeal if:
  - a. They have completed the informal appeal process and are dissatisfied with the outcome, and
  - b. The decisions have been ratified by the appropriate Board.
  - c. Or they have been advised to do so by the Assistant Registrar, ASDAS or their Nominee.

#### **Formal appeals process**

23. Students must:
  - a. Complete an [Academic Appeal Form](#) (Cognito Form), including corroborative evidence (for example, a medical certificate, written third party statements etc.)
  - b. Except where 17 and 18 above applies, submit the Academic Appeal Form and accompanying evidence within 28 calendar days of receiving formal notification from the Board. If the Academic Appeal Form is not submitted within this timeframe, then it is likely to be rejected unless a statement, accepted by the Assistant Registrar or the ASDAS as a valid reason, is provided as to the circumstances which prevented the deadline from being met.
  - c. In exceptional circumstances, if the student is unable because of severe illness or other valid reason to submit the appeal, another person may complete and submit the appeal on the student's behalf with the student's written consent.
  - d. The appeal, once submitted, is considered as the definitive statement of the appellant's case and may not be added to unless the Assistant Registrar, ASDAS or Academic Dean seeks clarification from the appellant.
  - e. The Assistant Registrar will send an acknowledgement of receipt to the appellant within 5 working days. If this is not received, the appellant should contact the Assistant Registrar without delay.

#### **Progression of an appellant while an appeal is being considered**

24. The decision of the Board remains in force until formal notification by the ASDAS that it has been rescinded. Therefore, the student remains responsible for:
  - a. Conforming to the requirements for re-assessment pending the outcome of the appeal.
  - b. The consequence of not complying with these requirements should the subsequent decision of the appeal process not be in the student's favour.
25. While the appeal is being processed, the appellant:

- a. Shall normally be permitted by the Board to continue to the next stage of their studies, if they have sufficient academic credit to do so or the Chair of the Board believes it to be in the best interests of the student, unless there are circumstances preventing it other than the decision in question of the Board. This will not prejudice the outcome of the appeal.
  - b. If the appeal concerns expulsion following an investigation into academic misconduct, the appellant is suspended, and written permission is required from the ASDAS or nominee for the appellant to continue to the next stage of their studies. The ASDAS or nominee has discretion not to permit the appellant to continue pending the outcome of the appeal.
  - c. This right is designed solely to ensure that a student whose appeal is upheld is not academically disadvantaged and it shall not be interpreted as acceptance of a failed student whose appeal is subsequently dismissed on a later stage of the programme, nor shall satisfactorily progress during such attendance be admissible as evidence at any stage in the appeal procedure.
  - d. During any such interim period of attendance, no fees would be demanded. In the event of the appeal ultimately being resolved in the student's favour and the student being formally reinstated onto the programme, the appropriate fee would be payable.
  - e. If a final qualification has been made, the student may inform prospective employers of the qualification but that the decision may be reviewed following the appeal.
  - f. May attend the Graduation Ceremony if they have achieved the required number of credits to successfully complete their programme of study.
26. The entitlement of the appellant to proceed on the programme of study will continue until the date of the letter formally notifying the appellant of the final outcome of their appeal (i.e., dismissal of the appeal or Board's reviewed decision). This letter will inform the appellant whether they are entitled to continue on the programme.

#### **Confidentiality**

27. The appeal is kept as confidential as possible within LST and Middlesex University.
28. Appellants who notify the ASDAS that information has been included of a highly confidential and personal nature will, if requested, be informed in advance of the names of persons to whom the information will be disclosed.
29. Papers will be kept on confidential file for up to six years. After that, apart from a copy of the notification to a student of the final decision, they may be destroyed.

#### **Procedure for considering an appeal**

30. If the ASDAS considers that there may be grounds for appeal, the Chair of the Board or any other appropriate person will be requested to submit a written statement to the ASDAS providing the required information. These written statements should be in a form suitable for use as evidence at a Student Academic Appeal Panel.
31. The ASDAS decides whether, at first sight, there are grounds for the appeal to proceed by considering the following documents, where appropriate:
  - a. The appeal submitted by the appellant.
  - b. The relevant record of the Board including the decision relating to the appellant's appeal.
  - c. Written statements made to the ASDAS concerning the appeal.
  - d. For an appeal against a penalty imposed for academic misconduct: the academic misconduct file.

#### **The grounds for an appeal are not established**

32. In every case where the ASDAS considers that there are no grounds for appeal on the evidence available they shall consult the Academic Dean or Principal.
33. The ASDAS may dismiss the appeal provided that either the Academic Dean or Principal agrees.
34. A decision on an appeal by the ASDAS is final and no further appeal is possible against it.
35. This policy and process is now complete. Should the appellant wish to make a complaint about the decision then they should follow the Student Academic Complaint Policy and Procedure.

#### **The grounds for an appeal are established**

36. Where the ASDAS believes there may be grounds for an appeal:
  - a. If appropriate they may offer the appellant an informal settlement of their appeal. An informal settlement

means that the Chair of the Board has agreed on the recommendation of the ASDAS that the Board will review its decision but will not necessarily alter it. Where an appeal is against the penalty awarded following academic misconduct, an informal settlement means that the ASDAS and the Chair of Board have agreed that the Board will review its decision but will not necessarily alter it.

- b. Where appropriate, the Chair of a Board may take Chair's Action in the Student's favour provided that they obtain in due course the agreement of the Board to confirm the decision.
  - c. The Board review shall involve full consideration of the appellant's case.
  - d. The Board shall send a full written report of its consideration to the ASDAS.
  - e. If the ASDAS considers that the reconvened Board has not taken due and proper account of the appellant's case, they shall prepare a brief account of the circumstances for report to Academic Board.
  - f. The appellant may choose not to accept an informal settlement but should note that a Student Academic Appeal Panel may also only request a Board to review its decision. A letter from the appellant stating the decision not to accept this offer must be received by the ASDAS within 10 working days of the date on the letter offering the informal settlement.
  - g. An appellant's failure to reply in writing within 10 working days of the date on the letter offering an informal settlement shall be taken as acceptance of the offer.
  - h. A decision on an appeal by a Board is final and no further appeal is possible against it.
37. Where the ASDAS believes there may be grounds for an appeal, they may convene a meeting of a Student Academic Appeal Panel. The appellant should note that a Student Academic Appeal Panel shall not necessarily require a Board to review its decision.

#### **Preparation for a Student Academic Appeal Panel**

38. Constitution of a Student Academic Appeal Panel:
- a. A Student Academic Appeal Panel will normally consist of the Academic Dean and two Faculty members who are not the Academic Dean or the ASDAS; the Student Academic Appeal Panel will nominate a Chair from among them.
  - b. The ASDAS, who as a faculty member may be a member of a Student Academic Appeal Panel, shall be the Secretary.

#### **Notification to appellant**

39. The ASDAS shall arrange with all those involved in the hearing, including the Chair of the Board, a suitable date and shall give the appellant in writing:
- a. At least 10 working days' notice, wherever possible, of the date, time and place of the hearing, and the names of expected Student Academic Appeal Panel members.
  - b. A requirement that the appellant acknowledges receipt of the notification of the Student Academic Appeal Panel meeting.
  - c. A statement that the appellant is entitled to be accompanied by a companion at the hearing and to call witnesses (the companion may not be legal representative and should not also be a witness).
  - d. A warning that any information given to them whether or not in writing, is strictly confidential, and must not be disclosed to others unless they are directly assisting the appellant in preparing for the hearing, nor discussed in any way with any member of the Student Academic Appeal Panel.
  - e. A statement that the appellant may object to the appointment of any member of the Student Academic Appeal Panel and to the date but that any change to the arrangements is solely at the discretion of the ASDAS.
  - f. A warning that if the appellant fails to attend the Student Academic Appeal Panel meeting, it will normally proceed in their absence.

#### **Breach of confidentiality**

40. The publication of appeal papers by the appellant in any form may result in the appeal being ruled closed by the ASDAS.
41. Such a breach of confidentiality will be the subject of a preliminary issue of the Student Academic Appeal Panel who will have the power to dismiss the appeal if such a breach is substantiated.
42. An appellant who has published appeal papers in the course of a previous appeal and who submits a new appeal against a later Board decision shall not receive papers until a maximum of one hour before any hearing that may be called. This shall be under supervision and the appellant shall be required to hand papers in immediately after the hearing.

### **Witnesses**

43. Witnesses, if appropriate may be called by:
  - a. The appellant.
  - b. The Chair of the Board.
  - c. The Chair of the Student Academic Appeal Panel.
  - d. Members of the Student Academic Appeal Panel.
  - e. The ASDAS.
44. Names of proposed witnesses must be notified to the ASDAS writing at least five working days in advance of the date of the meeting.

### **Documentation**

45. The ASDAS shall send agenda papers including all the appeal documents, if relevant, to the appellant (together with a copy for their companion), members of the Student Academic Appeal Panel, the Chair of the Board, those in attendance and witnesses.

### **The Student Academic Appeal Panel in session**

46. The Chair of the Student Academic Appeal Panel, in consultation with the ASDAS, has discretion to organise the meeting as they see fit in order to achieve the principal aims of a hearing. Therefore, meetings may be held on electronic platforms including Zoom and Teams:
  - a. To clarify evidence as necessary by questioning those who have submitted it. (There should be no need for repetition of statements already submitted in writing and any invited comment about these should be brief).
  - b. To enable the Student Academic Appeal Panel to reach a just decision.
  - c. The proceedings and papers of the Student Academic Appeal Panel will be strictly confidential to all the participants.
  - d. In exceptional circumstances, at the discretion of the Chair of the Student Academic Appeal Panel, the appellant's provisional assessment grades may be made available to the Student Academic Appeal Panel members at the hearing.
  - e. Mechanical recording by tape, camera or other means, is prohibited.
  - f. Legal representation is not allowed.
  - g. The quorum for a meeting of a Student Academic Appeal Panel will be 3 members, including the Chair.
  - h. At the Chair's discretion, the meeting may, in exceptional circumstances, be held in the absence of a quorum or the appellant. However, the Student Academic Appeal Panel may not be held in the absence of the ASDAS or their nominated representative.
47. The appellant is entitled:
  - a. To be present during the hearing of evidence unless the Chair of the Student Academic Appeal Panel requests them to withdraw temporarily when matters confidential to the Board are being discussed, or when the Panel wishes to have a private discussion. Their companion is similarly entitled.
  - b. To comment on the evidence and to question witnesses, the Chair of the Board, and in appeals concerning academic misconduct, the ASDAS. Their companion is similarly entitled.
  - c. To be represented in their absence by a proxy at the discretion of the Chair.
  - d. The Student Academic Appeal Panel may agree to proceed in the absence of the appellant provided that there is evidence that notification of the Student Academic Appeal Panel meeting has been sent to the appellant and warning has been given regarding failure to attend.
  - e. The Chair of the Assessment Board and ASDAS, where an appeal concerns academic misconduct, are expected to be present throughout the hearing of evidence and are entitled to comment on the evidence and to question the appellant or witnesses.
  - f. Normally no witness (other than the appellant and Chair of the Board) will be present while any other witness is giving evidence. The hearing may proceed in the absence of witnesses.
  - g. At any time during its meeting the Student Academic Appeal Panel may decide to adjourn in which case they will specify a time and date for the reconvening of the Student Academic Appeal Panel or will provide notice within 48 hours of the adjournment.
  - h. The Student Academic Appeal Panel will consider its decision in private after the evidence has been heard and shall reach a decision by simple majority vote. If the votes cast are equal, the Chair of the Student Academic Appeal Panel shall have a second or casting vote.
  - i. The appellant, their companion and the Chair of the Board will normally be recalled for the Chair of the Student Academic Appeal Panel to inform them of its decision. The appellant will also be informed in writing of the Student Academic Appeal Panel decision; such notice will be issued within 10 working days.

### **Decision of the Student Academic Appeal Panel**

48. If the Student Academic Appeal Panel finds that injustice appears to have been caused to the appellant it will:
  - a. Require the Board to review its decision.
  - b. Appoint a representative (normally the Chair) to attend the reconvened Board together with the ASDAS
  - c. If the Student Academic Appeal Panel finds that an injustice has not been caused to the appellant:
    - i. This decision is final, and no further appeal is possible against it.
    - ii. The academic appeal procedure of LST is now complete. Should the appellant wish to take the matter further, they must make a formal appeal to Middlesex University within 28 days (see below).
  - d. The Student Academic Appeal Panel has power to make any recommendations to the Academic Board, Executive Team, or Board, but the Student Academic Appeal Panel may not dispute the academic judgment of a Board.

### **Procedure following a Student Academic Appeal Panel**

49. The ASDAS will, in consultation with the Chair, prepare a report of the Student Academic Appeal Panel's meeting and findings. The findings of the Student Academic Appeal Panel shall be reported to the appellant and to members of the Board, whether or not it is asked to reconsider its decision.
50. Relevant documentary evidence (e.g., medical certificate) will be forwarded to any Board reconvened to reconsider its decision.
51. The Boards shall make special arrangements (which must involve External Examination Assessors and Auditors if appropriate) for reviewing a decision if required to do so by a Student Academic Appeal Panel, as soon as possible after the Student Academic Appeal Panel meeting and at the latest during the next scheduled meeting.
52. The ASDAS shall notify the appellant of the decision of the reconvened Board within 10 working days.
53. This decision is final, and no further appeal is possible against it.
54. The academic appeal procedure of LST is now complete. Should the appellant be dissatisfied with the outcome then the appellant may make a complaint through LST's Student Academic Complaint Policy and Procedure.
55. If the Chair of the Student Academic Appeal Panel and the ASDAS consider that the reconvened Assessment Board has not taken due and proper account of the recommendations of the Student Academic Appeal Panel, they will prepare a brief account of the circumstances for report to Academic Board.

### **Powers of Academic Board**

56. After receiving a report, the Academic Board may:
  - a. Annul the decision of a Board.
  - b. Annul the whole assessment or any part of it.
  - c. Establish a new Board to carry out whatever actions are appropriate in order to make award recommendations.
  - d. Take no action.
  - e. The decision of Academic Board is final, and no further appeal is possible against it.
  - f. The academic appeal procedure of LST is now complete. Should the appellant be dissatisfied with the outcome then the appellant may make a complaint through LST's Student Academic Complaint Policy and Procedure.

### **General**

57. The ASDAS may exceptionally modify any of the foregoing procedures to secure a just decision and shall inform the Academic Board of such action at their next meeting.
58. Any change of decision by the Board due to the appeal process shall not be to the student's disadvantage.
59. The ASDAS has discretion not to consider an appeal from a student who has, without good reason, not complied with any given LST or Middlesex University requirement made of students in general.
60. Students who knowingly submit false or forged evidence at any stage of the appeal process forfeit their right to consideration of the case and render themselves liable to disciplinary proceedings.



61. If an appellant formally withdraws their appeal at any stage in the procedure no further action will be taken.
62. The consideration of an appeal is an internal LST matter, and the papers are confidential to LST, except that papers may be shared with Middlesex University should they be requested.
63. The appellant may seek advice from any source. Should an appellant instruct solicitors at any stage of the appeal process the ASDAS may consult LST's solicitors. The LST Student Academic Appeal Policy does not allow legal representation at a Student Academic Appeal Panel hearing. Papers shall be kept on file for six years following a Student Academic Appeal Panel hearing. After that, apart from a copy of the notification to a student of the final decision, they may be destroyed.
64. The ASDAS reserves the right to dismiss an appeal because of breach of confidentiality by the appellant or where delay in reaching a decision is (in the opinion of the ASDAS) caused by the appellant's failure to provide information upon request. In the latter case the appellant shall be warned in writing that the appeal shall be dismissed unless such information is received within ten working days of the date of the written warning.
65. Where gross irregularity is alleged to have occurred, the ASDAS may request special consideration by LST's Academic Board.
66. The ASDAS shall report annually to Academic Board on the number, distribution, grounds and outcome of appeals, and the Board shall undertake any necessary review of appeals work.
67. References to the ASDAS include references to an Acting ASDAS or nominated deputy.
68. The term 'Board' is used in these regulations to include 'Exam Boards' where a decision is made concerning progression, module grade or degree classification
69. Any changes to the LST Student Academic Appeal Policy and Procedure are required to be approved by the Executive Team and the Academic Board.

#### **Middlesex University**

70. LST is a Collaborative Partner of Middlesex University. Therefore, should a student be dissatisfied with the manner in which a case of academic appeal has been handled then, in the case of academic matters that have a detrimental impact on academic matters, the student may be able to pursue a University Level Review. Middlesex University will only accept a University Level Review if the appeal relates to or impacts on academic matters and if the student's appeal demonstrates that:
  - a. There has been a procedural irregularity in the investigation of an appeal regarding a matter related to their academic performance carried out by LST.
  - b. New information has come to light, which the student was unable to disclose previously, and which would have had a material impact upon the investigation previously undertaken.
  - c. The decision reached was unreasonable based on the information that had been available to Middlesex University when the case was considered.
71. To request a University Level Review, the student is required to submit the following to the Director of Student Affairs within 20 working days of receiving written confirmation of the final outcome of LST's investigation:
  - a. The [CPULR \(Collaborative Partner University Review\) Form](#) (available on the Middlesex University website).
  - b. The final stage outcome of the investigation from LST.
  - c. Any other supporting documentation.
72. The receipt of the [CPULR form](#) will normally be acknowledged within five working days, and LST informed of the nature and substance of the appeal.
73. The [CPULR form](#) will be reviewed by the Director of Student Affairs or nominee. The University Level Review will consider whether (a) there has been a procedural irregularity in the investigation of the appeal by LST or (b) any new evidence has come to light which would have had a material impact on the investigation (see 74 above). Discussions may be held with the student and / or subject of the appeal, and with members of staff involved in LST's investigation process.

74. Where possible, reviews should normally take no more than 20 working days from the date that a student is notified that a designated Senior Manager is in place to handle the review. The Senior Manager undertaking the review will establish appropriate timescales based on the nature and complexity of the case. These timescales should be communicated, and the student kept informed of any changes.
75. The designated Senior Manager will inform the collaborative partner of the proposed outcome of their investigation and give the collaborative partner the opportunity to comment. The Completion of Procedure Letter will then be communicated to the student and the collaborative partner normally within 20 working days. Following this, any student who is dissatisfied with the decision may be able to apply to the Office of the Independent Adjudicator (OIA) for Higher Education. Information and eligibility rules are available at [www.oiahe.org.uk](http://www.oiahe.org.uk).

A student should understand that a University Level Review is not a reopening of the original appeal. Dissatisfaction with the outcome of the Student Academic Complaints Policy and Procedure is not alone a valid reason for requesting a review.